

## Patent Appeal Center Return

Application Number: 10/797,826

Date: 07/23/2010

Examiner: CANO

GAU: 1796

The following deficiencies have been identified in the Examiner's Answer mailed 07/13/2010.

The case will remain on your docket until ALL issues have been resolved.

**Appeal Document(s) that caused this Return – Check at least one Document type:**

- ☐ IDS not addressed (see below)
- ☐ Reference(s) do not appear on the 892/1449 form
- ☐ Amendments not entered/considered
- ☐ Reply Brief not considered
- ☐ Reference not scanned into IFW
- ☐ Grounds of Rejection not consistent with last office action
- ☐ Improper use of form paragraph
- ☐ No Appeal Conference Held
- ☐ Appeal Brief/Office action date is incorrect on Examiner's Answer coversheet
- ☐ Petition not considered.
- ☐ In response to the examiner's answer that contains a new ground of rejection, appellant requests that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111. The examiner must reopen prosecution and consider the reply. See MPEP 1207.03.
- ☐ Appellant failed to timely file a reply or a reply brief in response to the examiner's answer that contains a new ground of rejection. The examiner must dismiss the appeal as to the claims subject to the new ground of rejection. See MPEP 1207.03.
  - If all of the claims under appeal are subject to the new ground of rejection, the entire appeal should be dismissed. The examiner should follow the procedure set forth in MPEP 1215.
  - If only some of the claims under appeal are subject to the new ground of rejection, the dismissal of the appeal as to those claims operates as an authorization to cancel those claims and the appeal continues as to the remaining claims. The examiner should follow the procedure set forth in MPEP 1207.03 and may use form paragraph 12.179.02.
- ☐ Other

**One or more of the following items are missing:**

- ☐ Translation
- ☐ Affidavits
- ☐ Declaration
- ☐ Artifacts
- ☒ Reference from Evidence Relied Upon section
- ☐ Conference Initials (three)
- ☐ New Ground of Rejection - TC Director signature needed
- ☐

When the correction has been made, please create an eDan message for the "**AppealSpecial Processing**" mailbox with "**COMPLETE**" in the text. The status of the file will be updated by Patent Appeal Center Supervisor.

/REGINALD TYSON/  
EXT. 21634